IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

CRL.A.No. 1743 of 2003

CC.129/1999 of CHIEF JUDICIAL MAGISTRATE COURT, THODUPUZHA
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APPELLANT: COMPLAINANT

A.C.PATHROSE, ARISSERIL HOUSE,
MALANKARA ESTATE, DIVISION NO.2, MRALA P.O.,
THODUPUZHA.

BY ADV. SRI.C.A.CHACKO

RESPONDENTS: ACCUSED
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1. LEELA GOPALAKRISHNAN, SREEJ NIVAS,
CHUNAKKARA NORTH, CHUNAKKARA P.O., ALLEPPEY DIST.

2. STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTORMR. C.K. SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO. 1743 OF 2003

DATED THIS THE 24th SEPTEMBER 2007

JUDGMENT

The appellant is the complainant in C.C.No. 129/1999 in the file of the Chief Judicial Magistrate Court, Thodupuzha with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent and he filed a petition to condone his absence.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 25-10-2007. The court below shall issue summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

ks.

K.R. UDAYABHANU,J.

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CRL.A.NO.1118 of 2007

JUDGMENT

27-6-2007

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K.R.UDAYABHANU, JUDGE

ks.